

AMENDED IN SENATE JUNE 29, 2005

AMENDED IN SENATE JUNE 21, 2005

AMENDED IN SENATE JUNE 1, 2005

AMENDED IN ASSEMBLY APRIL 5, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1234

Introduced by Assembly Member Salinas

February 22, 2005

An act to amend Sections 25008, ~~36514.5, and 61207~~ *and 36514.5* of, and to add Article 2.3 (commencing with Section 53232) and Article 2.4 (commencing with Section 53234) to Chapter 2 of Part 1 of Division 2 of Title 5 of, the Government Code, to amend Sections 6060 and 7047 of the Harbors and Navigation Code, to amend Sections 2030, 2851, 4733, 4733.5, 6489, 9031, 13857, 13866, and 32103 of the Health and Safety Code, to amend Section 1197 of the Military and Veterans Code, to amend Sections 5536, 5536.5, 5784.15, and 9303 of the Public Resources Code, to amend Sections 11908, 11908.1, 11908.2, 16002, and 22407 of the Public Utilities Code, and to amend Sections 20201, 21166, 30507, 30507.1, 34741, 40355, 50605, 55305, 56031, 60143, 70078, 71255, and 74208 of, and to add Section 20201.5 to, the Water Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1234, as amended, Salinas. Local agencies: compensation and ethics.

Existing law provides for the establishment and operations of cities, counties, cities and counties, districts, and other local government agencies, the composition of their governing bodies, and the payment

of governing body members for attending meetings and performing other duties, and prescribes conflicts of interest.

This bill would require a local agency that provides reimbursement for expenses to members of its legislative body to adopt a written policy on the duties for which legislative body members may receive compensation, other than meetings of the legislative body or an advisory body or attendance at a conference or organized educational activity. The bill would require such a governing body to adopt a written policy concerning what occurrences qualify a member to receive reimbursement of expenses for travel, meals, and lodging and would impose related requirements, including the filing of expense reports, which would be public records.

This bill would also require that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, all local agency officials, except a member whose term of office ends before January 1, 2007, in local agency service as of January 1, 2006, or thereafter receive training in ethics, as specified. This bill would ~~require the Fair Political Practices Commission and the Attorney General, in consultation with local agency associations, to provide that if associations of local agencies jointly develop criteria for the ethics training, then the Fair Political Practices Commission and the Attorney General shall be consulted regarding any proposed course content.~~ This bill would specify, with respect to certain special districts, how a director's activities on a specific day are determined to be compensable and would make related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25008 of the Government Code is
- 2 amended to read:
- 3 25008. Members shall be allowed their actual expenses in
- 4 going to, attendance upon, and returning from state association
- 5 meetings and their actual and necessary traveling expenses when
- 6 traveling outside their counties on official business.
- 7 Reimbursement for these expenses is subject to Sections 53232.2
- 8 and 53232.3.

SEC. 2. Section 36514.5 of the Government Code is amended to read:

36514.5. City council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

SEC. 3. Article 2.3 (commencing with Section 53232) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.3. Compensation

53232. For the purposes of this article, the following terms have the following meanings:

(a) "Governing body" means the board of supervisors in the case of a county or a city and county, the city council or board of trustees in the case of a city, and the board of directors or other governing body in the case of a special district.

(b) "Legislative body" has the same meaning as specified in Section 54952.

(c) "Local agency" means a city, county, city and county, charter city, charter county, charter city and county, or special district.

(d) "Meeting" has the same meaning as specified in subdivision (a) of Section 54952.2.

53232.1. (a) When compensation is otherwise authorized by statute, a local agency may pay compensation to members of a legislative body for attendance at the following occurrences:

(1) A meeting of the legislative body.

(2) A meeting of an advisory body.

(3) A conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234).

(b) A local agency may pay compensation for attendance at occurrences not specified in subdivision (a) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment.

(c) This section shall not apply to any local agency that pays compensation in the form of a salary to members of a legislative body, including, but not limited to, those local agencies whose legislative bodies' compensation is subject to Section 36516 or 36516.1, subparagraph (B) or (C) of paragraph (2) of subdivision (a) of Section 21166 or Section 22840 of the Water Code, Section 11908.1 of the Public Utilities Code, Section 6060 of the Harbors and Navigation Code, or subdivision (b) of Section 1 or Section 5 of Article XI of the California Constitution.

53232.2. (a) When reimbursement is otherwise authorized by statute, a local agency may reimburse members of a legislative body for actual and necessary expenses incurred in the performance of official duties, including, but not limited to, activities described in Article 2.4 (commencing with Section 53234).

(b) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then the governing body shall adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a member of the legislative body to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses.

(c) The policy described in subdivision (b) may also specify the reasonable reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses. If it does not, the local agency shall use the Internal Revenue Service rates for reimbursement of travel, meals, lodging, and other actual and necessary expenses as established in Publication 463, or any successor publication.

(d) If the lodging is in connection with a conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234), lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of a legislative body at the time of booking. If the group rate is not available, the member of a legislative body shall use comparable lodging that is consistent with the requirements of subdivisions (c) and (e).

1 (e) Members of the legislative body shall use government and
2 group rates offered by a provider of transportation or lodging
3 services for travel and lodging when available.

4 (f) All expenses that do not fall within the adopted travel
5 reimbursement policy or the Internal Revenue Service
6 reimbursable rates as provided in subdivision (a), shall be
7 approved by the governing body, in a public meeting before the
8 expense is incurred, except as provided in subdivision (d).

9 (g) This section shall not supersede any other laws
10 establishing reimbursement rates for local agencies.

11 53232.3. (a) If a local agency reimburses members of a
12 legislative body for actual and necessary expenses incurred in the
13 performance of official duties, then a local agency shall provide
14 expense report forms to be filed by the members of the legislative
15 body for reimbursement for actual and necessary expenses
16 incurred on behalf of the local agency in the performance of
17 official duties. Reimbursable expenses shall include, but not be
18 limited to, meals, lodging, and travel.

19 (b) Expense reports shall document that expenses meet the
20 existing policy, adopted pursuant to Section 53232.2, for
21 expenditure of public resources.

22 (c) Members of a legislative body shall submit expense reports
23 within a reasonable time after incurring the expense, as
24 determined by the legislative body, and the reports shall be
25 accompanied by the receipts documenting each expense.

26 (d) Members of a legislative body shall provide brief reports
27 on meetings attended at the expense of the local agency at the
28 next regular meeting of the legislative body.

29 (e) All documents related to reimbursable agency expenditures
30 are public records subject to disclosure under the California
31 Public Records Act (Chapter 3.5 (commencing with Section
32 6250) of Division 7 of Title 1).

33 53232.4. Penalties for misuse of public resources or falsifying
34 expense reports in violation of expense reporting policies may
35 include, but are not limited to, the following:

36 (a) The loss of reimbursement privileges.

37 (b) Restitution to the local agency.

38 (c) Civil penalties for misuse of public resources pursuant to
39 Section 8314.

(d) Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code.

SEC. 4. Article 2.4 (commencing with Section 53234) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.4. Ethics Training

53234. For the purposes of this article, the following terms have the following meanings:

(a) “Legislative body” has the same meaning as specified in Section 54952.

(b) “Local agency” means a city, county, city and county, charter city, charter county, charter city and county, or special district.

(c) “Local agency official” means either of the following:

(1) Any member of a local agency legislative body that receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.

(2) Any employee designated as having reporting responsibilities under the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)) or a local agency’s conflict-of-interest code adopted pursuant to Section 87300 and following.

(d) “Ethics laws” include, but are not limited to, the following:

(1) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.

(2) Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

(3) Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.

(4) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements,

1 incompatible offices, competitive bidding requirements for
2 public contracts, and disqualification from participating in
3 decisions affecting family members.

4 53235. (a) If a local agency provides any type of
5 compensation, salary, or stipend to a member of a legislative
6 body, or provides reimbursement for actual and necessary
7 expenses incurred by a member of a legislative body in the
8 performance of official duties, then all local agency officials
9 shall receive training in ethics pursuant to this article.

10 (b) Each local agency official shall receive at least two hours
11 of training in general ethics principles and ethics laws relevant to
12 his or her public service every two years.

13 ~~(c) The Fair Political Practices Commission and the Attorney~~
14 ~~General shall, in consultation with relevant associations of local~~
15 ~~agencies, jointly develop curricula appropriate to satisfy the~~
16 ~~requirements of this section.~~

17 *(c) If associations of local agencies jointly develop curricula*
18 *to satisfy the requirements of this section, then the Fair Political*
19 *Practices Commission and the Attorney General shall be*
20 *consulted regarding the sufficiency and accuracy of any*
21 *proposed course content.*

22 (d) A local agency or an association of local agencies may
23 offer one or more training courses, or sets of self-study materials
24 with tests, to meet the requirements of this section. These courses
25 may be taken at home, in-person, or online.

26 (e) All providers of training courses to meet the requirements
27 of this article shall provide participants with proof of
28 participation to meet the requirements of Section 53235.2.

29 (f) A local agency shall provide information on training
30 available to meet the requirements of this article to its local
31 officials at least once annually.

32 53235.1. (a) Each local agency official in local agency
33 service as of January 1, 2006, except for officials whose term of
34 office ends before January 1, 2007, shall receive the training
35 required by subdivision (a) of Section 53235 before January 1,
36 2007. Thereafter, each local agency official shall receive the
37 training required by subdivision (a) of Section 53235 at least
38 once every two years.

39 (b) Each local agency official who commences service with a
40 local agency on or after January 1, 2006, shall receive the

1 training required by subdivision (a) of Section 53235 no later
2 than one year from the first day of service with the local agency.
3 Thereafter, each local agency official shall receive the training
4 required by subdivision (a) of Section 53235 at least once every
5 two years.

6 (c) A local agency official who serves more than one local
7 agency shall satisfy the requirements of this article once every
8 two years without regard to the number of local agencies with
9 which he or she serves.

10 53235.2. (a) A local agency that requires its local agency
11 officials to complete the ethical training prescribed by this article
12 shall maintain records indicating both of the following:

13 (1) The dates that local officials satisfied the requirements of
14 this article.

15 (2) The entity that provided the training.

16 (b) Notwithstanding any other provision of law, a local agency
17 shall maintain these records for at least five years after local
18 officials receive the training. These records are public records
19 subject to disclosure under the California Public Records Act
20 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
21 Title 1).

22 ~~SEC. 5. Section 61207 of the Government Code is amended~~
23 ~~to read:~~

24 ~~61207. The board may authorize each director to receive~~
25 ~~compensation not exceeding one hundred dollars (\$100) for each~~
26 ~~meeting of the board attended by him or her or for each day's~~
27 ~~service rendered as a director by request of the board, not~~
28 ~~exceeding six days in any calendar month, together with any~~
29 ~~expenses incurred in the performance of his or her duties~~
30 ~~required or authorized by the board. For purposes of this section,~~
31 ~~the determination of whether a director's activities on any~~
32 ~~specific day are compensable shall be made pursuant to Article~~
33 ~~2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of~~
34 ~~Division 2 of Title 5. Reimbursement for these expenses is~~
35 ~~subject to Sections 53232.2 and 53232.3.~~

36 SEC. 6. Section 6060 of the Harbors and Navigation Code is
37 amended to read:

38 6060. The commissioners shall serve without salary until the
39 yearly gross income of the district, exclusive of taxes levied by
40 the district, exceeds twenty thousand dollars (\$20,000) per year,

1 when the board may, by ordinance, fix their salaries, which shall
2 not exceed the sum of six hundred dollars (\$600) per month each.

3 In addition to any salary received pursuant to this section, the
4 commissioners shall be allowed any actual and necessary
5 expenses incurred in the performance of their duties.
6 Reimbursement for these expenses is subject to Sections 53232.2
7 and 53232.3 of the Government Code.

8 SEC. 7. Section 7047 of the Harbors and Navigation Code is
9 amended to read:

10 7047. Each director shall receive a sum as may be fixed by
11 the board, not exceeding fifty dollars (\$50) for each meeting of
12 the board attended by him or her, for not exceeding four
13 meetings in any calendar month. A director may also receive
14 traveling and other expenses incurred by him or her when
15 performing duties for the district other than attending board
16 meetings. For purposes of this section, the determination of
17 whether a director's activities on any specific day are
18 compensable shall be made pursuant to Article 2.3 (commencing
19 with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title
20 5 of the Government Code. Reimbursement for these expenses is
21 subject to Sections 53232.2 and 53232.3 of the Government
22 Code.

23 SEC. 8. Section 2030 of the Health and Safety Code is
24 amended to read:

25 2030. (a) The members of the board of trustees shall serve
26 without compensation.

27 (b) The members of the board of trustees may receive their
28 actual and necessary traveling and incidental expenses incurred
29 while on official business. In lieu of paying for actual expenses,
30 the board of trustees may by resolution provide for the allowance
31 and payment to each trustee a sum not to exceed one hundred
32 dollars (\$100) per month for expenses incurred while on official
33 business. A trustee may waive the payments permitted by this
34 subdivision.

35 (c) Notwithstanding subdivision (a), the secretary of the board
36 of trustees may receive compensation in an amount determined
37 by the board of trustees.

38 (d) Reimbursement for these expenses is subject to Sections
39 53232.2 and 53232.3 of the Government Code.

1 SEC. 9. Section 2851 of the Health and Safety Code is
2 amended to read:

3 2851. The members of the district board shall hold office at
4 the pleasure of the board of supervisors. They shall serve without
5 compensation, but shall be allowed their necessary traveling and
6 other expenses incurred in performance of their official duties. In
7 lieu of expenses, the district board may, by resolution, provide
8 for the allowance and payment to each member of the board of a
9 sum not exceeding one hundred dollars (\$100) as expenses
10 incurred in attending each business meeting of the board.
11 Reimbursement for these expenses is subject to Sections 53232.2
12 and 53232.3 of the Government Code.

13 SEC. 10. Section 4733 of the Health and Safety Code is
14 amended to read:

15 4733. (a) The district board may fix the amount of
16 compensation per meeting to be paid each member of the board
17 for services for each meeting attended by the member. Subject to
18 subdivision (b), the compensation shall not exceed one hundred
19 dollars (\$100) for each meeting of the district board attended by
20 the member or for each day's service rendered as a member by
21 request of the board, not exceeding a total of six days in any
22 calendar month, together with any expenses incident thereto.

23 (b) The district board, by ordinance adopted pursuant to
24 Chapter 2 (commencing with Section 20200) of Division 10 of
25 the Water Code, may increase the compensation received by the
26 district board members above the amount of one hundred dollars
27 (\$100) per day.

28 (c) For purposes of this section, the determination of whether
29 a director's activities on any specific day are compensable shall
30 be made pursuant to Article 2.3 (commencing with Section
31 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the
32 Government Code.

33 (d) Reimbursement for these expenses is subject to Sections
34 53232.2 and 53232.3 of the Government Code.

35 SEC. 11. Section 4733.5 of the Health and Safety Code is
36 amended to read:

37 4733.5. Where two or more county sanitation districts have
38 joined in the purchase, ownership, use, construction,
39 maintenance, or operation of a sewerage system, or sewage
40 disposal or treatment plant, or refuse transfer or disposal system,

1 or both, either within or without the districts, or have so joined
2 for any combination of these purposes, as provided in Section
3 4742, and the districts hold their meetings jointly, and one or
4 more of the directors serve as a director on more than one of
5 these districts meeting jointly, the districts may, by joint
6 resolution approved by each district, limit the compensation of a
7 director to compensation equal to not more than fifty dollars
8 (\$50) for each jointly held meeting attended by him or her, not to
9 exceed one hundred dollars (\$100) in any one month for
10 attendance at jointly held meetings. For purposes of this section,
11 the determination of whether a director's activities on any
12 specific day are compensable shall be made pursuant to Article
13 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of
14 Division 2 of Title 5 of the Government Code.

15 SEC. 12. Section 6489 of the Health and Safety Code is
16 amended to read:

17 6489. (a) Subject to subdivision (b), each of the members of
18 the board shall receive compensation in an amount not to exceed
19 one hundred dollars (\$100) per day for each day's attendance at
20 meetings of the board or for each day's service rendered as a
21 director by request of the board, not exceeding a total of six days
22 in any calendar month, together with any expenses incident
23 thereto.

24 (b) The district board, by ordinance adopted pursuant to
25 Chapter 2 (commencing with Section 20200) of Division 10 of
26 the Water Code, may increase the compensation received by
27 board members above the amount of one hundred dollars (\$100)
28 per day.

29 (c) The secretary of the sanitary board shall receive
30 compensation to be set by the sanitary district board, which
31 compensation shall be in lieu of any other compensation to which
32 he or she may be entitled by reason of attendance at the meeting
33 or meetings of the sanitary board.

34 (d) For purposes of this section, the determination of whether
35 a director's activities on any specific day are compensable shall
36 be made pursuant to Article 2.3 (commencing with Section
37 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the
38 Government Code.

39 (e) Reimbursement for these expenses is subject to Sections
40 53232.2 and 53232.3 of the Government Code.

1 SEC. 13. Section 9031 of the Health and Safety Code is
2 amended to read:

3 9031. (a) The board of trustees may provide, by ordinance or
4 resolution, that each of its members may receive compensation in
5 an amount not to exceed one hundred dollars (\$100) for attending
6 each meeting of the board. A member of the board of trustees
7 shall not receive compensation for more than four meetings of
8 the board in a month.

9 (b) The board of trustees, by ordinance adopted pursuant to
10 Chapter 2 (commencing with Section 20200) of Division 10 of
11 the Water Code, may increase the amount of compensation
12 received for attending meetings of the board.

13 (c) In addition, members of the board of trustees may receive
14 their actual and necessary traveling and incidental expenses
15 incurred while on official business other than a meeting of the
16 board.

17 (d) A member of the board of trustees may waive any or all of
18 the payments permitted by this section.

19 (e) For the purposes of this section, a meeting of the board of
20 trustees includes, but is not limited to, regular meetings, special
21 meetings, closed sessions, emergency meetings, board field trips,
22 district public hearings, or meetings of a committee of the board.

23 (f) For purposes of this section, the determination of whether a
24 trustee's activities on any specific day are compensable shall be
25 made pursuant to Article 2.3 (commencing with Section 53232)
26 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
27 Code.

28 (g) Reimbursement for these expenses is subject to Sections
29 53232.2 and 53232.3 of the Government Code.

30 SEC. 14. Section 13857 of the Health and Safety Code is
31 amended to read:

32 13857. (a) Subject to subdivision (b), each member of the
33 district board may receive compensation in an amount set by the
34 district board not to exceed one hundred dollars (\$100) for
35 attending each meeting of the district board. The number of
36 meetings for which a member of the board of directors may
37 receive compensation shall not exceed four meetings in any
38 calendar month.

39 (b) The district board, by ordinance adopted pursuant to
40 Chapter 2 (commencing with Section 20200) of Division 10 of

1 the Water Code, may increase the compensation received by the
2 district board members above the amount prescribed by
3 subdivision (a).

4 (c) For purposes of this section, the determination of whether
5 a director's activities on any specific day are compensable shall
6 be made pursuant to Article 2.3 (commencing with Section
7 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the
8 Government Code.

9 SEC. 15. Section 13866 of the Health and Safety Code is
10 amended to read:

11 13866. A district may authorize its directors and employees
12 to attend professional or vocational meetings and pay their actual
13 and necessary traveling and incidental expenses while on official
14 business. Reimbursement for these expenses is subject to
15 Sections 53232.2 and 53232.3 of the Government Code.

16 SEC. 16. Section 32103 of the Health and Safety Code is
17 amended to read:

18 32103. The board of directors shall serve without
19 compensation except that the board of directors, by a resolution
20 adopted by a majority vote of the members of the board, may
21 authorize the payment of not to exceed one hundred dollars
22 (\$100) per meeting not to exceed five meetings a month as
23 compensation to each member of the board of directors.

24 Each member of the board of directors shall be allowed his or
25 her actual necessary traveling and incidental expenses incurred in
26 the performance of official business of the district as approved by
27 the board. For purposes of this section, the determination of
28 whether a director's activities on any specific day are
29 compensable shall be made pursuant to Article 2.3 (commencing
30 with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title
31 5 of the Government Code. Reimbursement for these expenses is
32 subject to Sections 53232.2 and 53232.3 of the Government
33 Code.

34 SEC. 17. Section 1197 of the Military and Veterans Code is
35 amended to read:

36 1197. The board shall consist of five members who shall be
37 registered electors residing within the district or proposed district
38 at the time of their election and shall be elected by the qualified
39 electors of the district. A majority of the seats on the board shall
40 be designated for veterans, as defined in Section 940. Any board

1 seat that is so designated, but is not currently filled by a
2 qualifying individual, shall be filled by a qualified individual at
3 the next election at which that seat is to be filled. Members shall
4 serve without compensation, but shall be entitled to actual and
5 necessary expenses incurred in the performance of duties.
6 Reimbursement for these expenses is subject to Sections 53232.2
7 and 53232.3 of the Government Code.

8 SEC. 18. Section 5536 of the Public Resources Code is
9 amended to read:

10 5536. (a) The board shall establish rules for its proceedings.

11 (b) The board may provide, by ordinance or resolution, that
12 each of its members may receive an amount not to exceed one
13 hundred dollars (\$100) per day for each attendance at a meeting
14 of the board. For purposes of this section, a meeting of the board
15 includes, but is not limited to, closed sessions of the board, board
16 field trips, district public hearings, or meetings of a committee of
17 the board. The maximum compensation allowable to a board
18 member on any given day shall be one hundred dollars (\$100).
19 Board members shall not receive any other compensation for
20 meetings, and no board member shall receive more than five
21 hundred dollars (\$500) compensation under this section in any
22 one calendar month, except that board members of the East Bay
23 Regional Park District may receive compensation for not more
24 than 10 days in any one calendar month. A board member may
25 elect to waive the per diem. In addition, the board may provide,
26 by ordinance or resolution, that each of its members not
27 otherwise eligible for an employer-paid or partially
28 employer-paid group medical or group dental plan, or both, may
29 participate in any of those plans available to permanent
30 employees of the district on the same terms available to those
31 district employees or on terms and conditions as the board may
32 determine. A board member who elects to participate in any plan
33 may also elect to have the premium for the plan charged against
34 his or her per diem and may further elect to waive the balance of
35 the per diem.

36 (c) All vacancies on the board shall be filled in accordance
37 with the requirements of Section 1780 of the Government Code,
38 except that, in the case of vacancies caused by the creation of
39 new wards or subdistricts, the directors shall, prior to the
40 vacancies being filled, determine by lot, for the purpose of fixing

1 the terms of the first directors to be elected to the wards or
2 subdistricts, which ward or subdistrict shall have a four-year term
3 and which ward or subdistrict shall have a two-year term. The
4 persons who fill the vacancies caused by the establishment of
5 new wards or subdistricts shall hold office until the next general
6 election and until their successors are elected and qualified for
7 the terms previously determined by lot.

8 (d) For purposes of this section, the determination of whether
9 a director's activities on any specific day are compensable shall
10 be made pursuant to Article 2.3 (commencing with Section
11 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the
12 Government Code.

13 SEC. 19. Section 5536.5 of the Public Resources Code is
14 amended to read:

15 5536.5. Members of the board of directors may be allowed
16 actual necessary traveling and incidental expenses incurred in the
17 performance of official business of the district as approved by the
18 district board. Reimbursement for these expenses is subject to
19 Sections 53232.2 and 53232.3 of the Government Code.

20 SEC. 20. Section 5784.15 of the Public Resources Code is
21 amended to read:

22 5784.15. (a) The board of directors may provide, by
23 ordinance or resolution, that each of its members may receive
24 compensation in an amount not to exceed one hundred dollars
25 (\$100) for attending each meeting of the board. The board of
26 directors, by ordinance adopted pursuant to Chapter 2
27 (commencing with Section 20200) of Division 10 of the Water
28 Code, may increase the amount of compensation received for
29 attending meetings of the board.

30 (b) The maximum compensation in any calendar month shall
31 be five hundred dollars (\$500).

32 (c) In addition, members of the board of directors may receive
33 their actual and necessary traveling and incidental expenses
34 incurred while on official business.

35 (d) A member of the board of directors may waive the
36 compensation.

37 (e) For the purposes of this section, a meeting of the board of
38 directors includes, but is not limited to, regular meetings, special
39 meetings, closed sessions, emergency meetings, board field trips,
40 district public hearings, or meetings of a committee of the board.

(f) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(g) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 21. Section 9303 of the Public Resources Code is amended to read:

9303. The directors shall receive no compensation for their services as such, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the directors or when otherwise engaged in the work of the district at the direction of the board of directors. The directors shall fix the amount allowed for necessary expenses, but no director shall be appointed to any position for which he or she would receive compensation as a salaried officer or employee of the district. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 22. Section 11908 of the Public Utilities Code is amended to read:

11908. The board shall establish rules for its proceedings and may provide, by ordinance or resolution, that each member shall receive for each attendance at the meetings of the board, or for each day's service rendered as a director by request of the board, the sum of one hundred dollars (\$100). No director shall receive any other compensation, nor receive pay for more than six days in any one calendar month. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 23. Section 11908.1 of the Public Utilities Code is amended to read:

11908.1. (a) Notwithstanding Section 11908, a district with a board having seven directors may provide, by resolution or ordinance, that each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at public meetings of the board or for each day's service rendered as a director by request of the board, not

1 exceeding a total of six days in any calendar month, or, in lieu of
2 that compensation, a salary of not to exceed six hundred dollars
3 (\$600) per month subject to annual adjustments pursuant to
4 subdivision (b), together with any expenses incurred in the
5 performance of his or her duties required or authorized by the
6 board. No resolution or ordinance establishing compensation
7 pursuant to this subdivision shall provide for any automatic
8 increase in that compensation.

9 (b) Any district which adopts salaries for directors pursuant to
10 subdivision (a) may increase those salaries by not more than 5
11 percent for each calendar year following the operative date of the
12 last adjustment, commencing with the calendar year following
13 adoption of the salary or increase.

14 (c) Reimbursement for these expenses is subject to Sections
15 53232.2 and 53232.3 of the Government Code.

16 SEC. 24. Section 11908.2 of the Public Utilities Code is
17 amended to read:

18 11908.2. Notwithstanding Section 11908, the board of a
19 district which has owned and operated an electric distribution
20 system for at least eight years and has a population of 250,000 or
21 more may provide, by ordinance or resolution, that each director
22 shall receive compensation in an amount not to exceed one
23 hundred dollars (\$100) per day for each day's attendance at
24 public meetings of the board or for each day's service rendered
25 as a director by request of the board, not exceeding a total of 10
26 days in any calendar month, together with any expenses incurred
27 in the performance of his or her duties required or authorized by
28 the board. The board may, by resolution or ordinance, increase
29 the compensation per day by not more than 5 percent for each
30 calendar year following the operative date of the last adjustment,
31 commencing with the 1988 calendar year. No resolution or
32 ordinance establishing compensation pursuant to this subdivision
33 shall provide for any automatic increase in that compensation.
34 For purposes of this section, the determination of whether a
35 director's activities on any specific day are compensable shall be
36 made pursuant to Article 2.3 (commencing with Section 53232)
37 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
38 Code. Reimbursement for these expenses is subject to Sections
39 53232.2 and 53232.3 of the Government Code.

SEC. 25. Section 16002 of the Public Utilities Code is amended to read:

16002. Each member of the board shall receive the compensation that the board by ordinance provides, not exceeding four thousand eight hundred dollars (\$4,800) a year. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 26. Section 22407 of the Public Utilities Code is amended to read:

22407. Each member of the board of directors shall receive compensation in an amount not to exceed one hundred dollars (\$100) for each attendance at the meeting of the board held within the district, which amount shall be fixed from time to time by the board. No director, however, shall receive pay for more than four meetings in any calendar month.

Each director shall be allowed, with the approval of the board, all traveling and other expenses necessarily incurred by the member in the performance of the member's duties. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 27. Section 20201 of the Water Code is amended to read:

20201. Notwithstanding any other provision of law, the governing board of any water district may, by ordinance adopted pursuant to this chapter, provide compensation to members of the governing board, unless any compensation is prohibited by its principal act, in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board, or for each day's service rendered as a member of the board by request of the board, and may, by ordinance adopted pursuant to this chapter, in accordance with Section 20202, increase the compensation received by members of the governing board above the amount of one hundred dollars (\$100) per day.

1 It is the intent of the Legislature that any future increase in
2 compensation received by members of the governing board of a
3 water district be authorized by an ordinance adopted pursuant to
4 this chapter and not by an act of the Legislature.

5 For purposes of this section, the determination of whether a
6 director's activities on any specific day are compensable shall be
7 made pursuant to Article 2.3 (commencing with Section 53232)
8 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
9 Code.

10 SEC. 28. Section 20201.5 is added to the Water Code, to
11 read:

12 20201.5. Reimbursement for expenses of members of a
13 governing board of a water district is subject to Sections 53232.2
14 and 53232.3 of the Government Code.

15 SEC. 29. Section 21166 of the Water Code is amended to
16 read:

17 21166. Notwithstanding any other provision of law, a
18 director, for sitting on the board or acting under its orders, shall
19 receive both of the following:

20 (a) (1) Except as specified in paragraphs (2) and (3),
21 compensation not to exceed one hundred dollars (\$100) per day,
22 not exceeding six days in any calendar month.

23 (2) In districts that produce or distribute electric power, one of
24 the following methods of compensation:

25 (A) Compensation not to exceed one hundred dollars (\$100)
26 per day.

27 (B) A monthly salary of not to exceed six hundred dollars
28 (\$600) per month.

29 (C) Annual compensation not to exceed fifteen thousand
30 dollars (\$15,000). Any annual compensation pursuant to this
31 subparagraph shall be fixed by the adoption of an ordinance
32 pursuant to Sections 20203 to 20207, inclusive.

33 (3) Districts containing 500,000 acres or more are governed by
34 Section 22840.

35 (b) Actual and necessary expenses when acting under the
36 orders of the board.

37 For purposes of this section, the determination of whether a
38 director's activities on any specific day are compensable shall be
39 made pursuant to Article 2.3 (commencing with Section 53232)
40 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government

1 Code. Reimbursement for these expenses is subject to Sections
2 53232.2 and 53232.3 of the Government Code.

3 SEC. 30. Section 30507 of the Water Code is amended to
4 read:

5 30507. Each director shall receive compensation in an
6 amount not to exceed one hundred dollars (\$100) per day for
7 each day's attendance at meetings of the board or for each day's
8 service rendered as a director by request of the board, not
9 exceeding a total of six days in any calendar month, together
10 with any expenses incurred in the performance of his or her
11 duties required or authorized by the board. For purposes of this
12 section, the determination of whether a director's activities on
13 any specific day are compensable shall be made pursuant to
14 Article 2.3 (commencing with Section 53232) of Chapter 2 of
15 Part 1 of Division 2 of Title 5 of the Government Code.
16 Reimbursement for these expenses is subject to Sections 53232.2
17 and 53232.3 of the Government Code.

18 SEC. 31. Section 30507.1 of the Water Code is amended to
19 read:

20 30507.1. Each director of the Contra Costa Water District
21 shall receive compensation in an amount not to exceed one
22 hundred dollars (\$100) per day for each day's attendance at
23 meetings of the board and for each day's service rendered as a
24 director by request of the board, not exceeding a total of 10 days
25 in any calendar month, together with any expenses incurred in
26 the performance of duties required or authorized by the board.
27 For purposes of this section, the determination of whether a
28 director's activities on any specific day are compensable shall be
29 made pursuant to Article 2.3 (commencing with Section 53232)
30 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
31 Code. Reimbursement for these expenses is subject to Sections
32 53232.2 and 53232.3 of the Government Code.

33 SEC. 32. Section 34741 of the Water Code is amended to
34 read:

35 34741. Until their compensation is fixed by the adoption of
36 bylaws, the officers shall receive the following compensation for
37 their services:

38 (a) The secretary, tax collector, treasurer, and assessor, such
39 sums as shall be fixed by the board.

(b) Each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 33. Section 40355 of the Water Code is amended to read:

40355. (a) A director, when sitting on the board or acting under its orders, shall receive not exceeding:

(1) One hundred dollars (\$100) per day, not exceeding six days in any calendar month.

(2) Ten cents (\$0.10) per mile for each mile traveled from his place of residence to the office of the board.

(3) Actual and necessary expenses while engaged in official business under the order of the board.

(b) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(c) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 34. Section 50605 of the Water Code is amended to read:

50605. (a) Each member of the board shall receive such compensation for services actually and necessarily performed as the board determines to be just and reasonable, and shall be reimbursed for expenses necessarily incurred in the performance of his duties as trustee.

(b) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section

53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 35. Section 55305 of the Water Code is amended to read:

55305. (a) The board of directors may fix the compensation of its members for their services as directors not to exceed ten dollars (\$10) for each meeting attended, not exceeding two meetings in any calendar month. If allowed by the board, a director shall also receive for performing duties for the district other than attending board meetings the following:

(1) An amount not to exceed one hundred dollars (\$100) for each day performing such duties.

(2) Traveling and other expenses incurred by him or her in performing his duties.

(b) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 36. Section 56031 of the Water Code is amended to read:

56031. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his or her services for each meeting attended by him or her; provided, that the compensation shall not exceed ten dollars (\$10) for each meeting of the district board attended by him or her, together with expenses necessarily incurred by him or her in traveling between his or her place of residence and the place of meeting. However, no member shall receive compensation for attending more than three meetings of the board during any calendar month. This compensation shall be in addition to any other fees or compensation allowed by law for the other official positions specified in Section 56030 that are occupied by members of the district board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement

1 for these expenses is subject to Sections 53232.2 and 53232.3 of
2 the Government Code.

3 SEC. 37. Section 60143 of the Water Code is amended to
4 read:

5 60143. Each director shall receive compensation in an
6 amount not exceeding one hundred dollars (\$100) for each day's
7 attendance at meetings of the board or for each day's service
8 rendered as a director by request of the board, not exceeding a
9 total of six days in any calendar month, together with any
10 expenses incurred in the performance of his or her duties
11 required or authorized by the board. For purposes of this section,
12 the determination of whether a director's activities on any
13 specific day are compensable shall be made pursuant to Article
14 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of
15 Division 2 of Title 5 of the Government Code. Reimbursement
16 for these expenses is subject to Sections 53232.2 and 53232.3 of
17 the Government Code.

18 SEC. 38. Section 70078 of the Water Code is amended to
19 read:

20 70078. Each member of the board shall receive compensation
21 for services actually and necessarily performed, as the board
22 determines to be just and reasonable, and shall be reimbursed for
23 expenses necessarily incurred in the performance of his or her
24 duties as director. The salaries of all officers and employees of
25 the district shall be fixed and determined by the directors. The
26 board of directors shall fix the compensation that the election
27 officers shall receive for district elections. For purposes of this
28 section, the determination of whether a director's activities on
29 any specific day are compensable shall be made pursuant to
30 Article 2.3 (commencing with Section 53232) of Chapter 2 of
31 Part 1 of Division 2 of Title 5 of the Government Code.
32 Reimbursement for these expenses is subject to Sections 53232.2
33 and 53232.3 of the Government Code.

34 SEC. 39. Section 71255 of the Water Code is amended to
35 read:

36 71255. Each director shall receive compensation in an
37 amount not to exceed one hundred dollars (\$100) per day for
38 each day's attendance at meetings of the board or for each day's
39 service rendered as a director by request of the board, not
40 exceeding a total of six days in any calendar month, together

1 with any expenses incurred in the performance of his or her
2 duties required or authorized by the board. For purposes of this
3 section, the determination of whether a director's activities on
4 any specific day are compensable shall be made pursuant to
5 Article 2.3 (commencing with Section 53232) of Chapter 2 of
6 Part 1 of Division 2 of Title 5 of the Government Code.
7 Reimbursement for these expenses is subject to Sections 53232.2
8 and 53232.3 of the Government Code.

9 SEC. 40. Section 74208 of the Water Code is amended to
10 read:

11 74208. Each director shall receive compensation in an
12 amount not to exceed one hundred dollars (\$100) per day for
13 each day's attendance at meetings of the board or for each day's
14 service rendered as a director by request of the board, not
15 exceeding a total of six days in any calendar month, together
16 with any expenses incurred in the performance of his or her
17 duties required or authorized by the board. For purposes of this
18 section, the determination of whether a director's activities on
19 any specific day are compensable shall be made pursuant to
20 Article 2.3 (commencing with Section 53232) of Chapter 2 of
21 Part 1 of Division 2 of Title 5 of the Government Code.
22 Reimbursement for these expenses is subject to Sections 53232.2
23 and 53232.3 of the Government Code.

24 SEC. 41. The Legislature finds and declares that transparency
25 in the activities of local governments is a matter of statewide
26 concern and not merely a municipal affair, as that term is used in
27 Section 5 of Article XI of the California Constitution. Therefore,
28 this act shall apply to charter cities, charter counties, and charter
29 cities and counties.